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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,433	12/04/2003	Jeffrey L. Edwards	YES-012	8369
7590 David R. Graham 1337 Chewpon Avenue Milpitas, CA 95035			EXAMINER ZHAO, DAQUAN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,433

Applicant(s)

EDWARDS ET AL.

Examiner

Daquan Zhao

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-51 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims ¹⁻²⁶~~1-16~~, drawn to a method for editing a visual recording stored on a data storage medium, comprising discarding parts of the visual recording not included in the visual recording summary, wherein the duration of the visual recording summary is greater than or equal to 75% or 50% of the original unsummarized visual recording and the evaluation of the candidate clips in the summary is based on an image stability, image saturation, edge sharpness, image contrast, garbage content, snapshot, front-loading, audio content, and camera hits, classified in class 386, subclass 38.
- II. Claims 27-35, drawn to a method for creating a summary of a visual recording, comprising specifying the manner of creation and/or display of the visual recording summary in accordance with a format template, wherein the format template includes data that can be used to establish the duration or durations of clips to be included in the visual recording summary, data that can be used to establish weight, data that can be used to establish the order, data that can be used in creating transitions between clips, data that can be used to select music, classified in class 386, subclass 95.

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III. Claims 36-51, drawn to a method for creating a summary of a visual recording, comprising modifying the result of the evaluation in accordance with an input provided by a viewer of the visual recording regarding the desirability of a part of the visual recording, wherein the viewer input can indicate whether the part of the visual recording should be included in the summary or not, determining and combining the score based on the viewer input, assigning relative weights to the score based on the viewer input, modifying the result of the evaluation in accordance with the degree of similarity between the part of the visual recording with which the viewer input is associated and another part of the visual recording, classified in class 386, subclass 52.

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as discarding parts of the visual recording not included in the visual recording summary, wherein the duration of the visual recording summary is greater than or equal to 75% or 50% of the original unsummarized visual recording and the evaluation of the candidate clips in the summary is based on an image stability, image saturation, edge sharpness, image contrast, garbage content, snapshot, front-loading, audio content, and camera hits. See MPEP § 806.05(d).

3. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination III has separate utility such as modifying the result of the evaluation in accordance with an input provided by a viewer of the visual recording regarding the desirability of a part of the visual recording, wherein the viewer input can indicate whether the part of the visual recording should be included in the summary or not, determining and combining the score based on the viewer input, assigning relative weights to the score based on the viewer input, modifying the result of the evaluation in accordance with the degree of similarity between the part of the visual recording with which the viewer input is associated and another part of the visual recording. See MPEP § 806.05(d).

4. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as specifying the manner of creation and/or display of the visual recording summary in accordance with a format template, wherein the format template includes data that can be used to establish the duration or durations of clips to be included in the visual recording summary, data that can be used to establish weight, data that can be used to establish the order, data that can be used in creating transitions between clips, data that can be used to select music. See MPEP § 806.05(d).

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The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao



THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
Tran Thai Q
Supervisory Patent Examiner